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AIR POLLUTION

EPA proposes another extension for Ark. on NOx emissions

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U.S. EPA has tentatively agreed to give Arkansas utilities another 18 months to comply with tighter limits on nitrogen oxide emissions at three coal-fired plants in the state.

The proposed extension, set for publication in tomorrow's *Federal Register*, would allow Entergy Corp. and other plant owners until January 2020 to meet the new thresholds, required by a federal haze reduction plan published last September. The original deadline was April 2018; the added extension would come on top of a three-month stay granted by EPA in April.

The proposal follows requests filed late last year by the state, Entergy and other entities asking EPA to administratively reconsider various parts of the plan.

EPA Administrator Scott Pruitt agreed to the requests in April; the agency has now determined that the state and other challengers "raised objections to the NOx compliance timeframes that were impracticable to raise during the comment period and that are of central relevance" to the plan, according to the notice. EPA has scheduled an Aug. 23 public hearing in Little Rock, Ark., on its decision, accompanied by a Sept. 22 deadline for written public comments.

The extension applied to five generating units at the three plants, two of which are run by Entergy and a third co-owned by the Arkansas Electric Cooperative Corp. and a subsidiary of American Electric Power. The Arkansas Department of Environmental Quality could also rework the NOx reduction requirements as part of a broader revision to the federal haze plan, the notice said.

EPA's regional haze program, dating to 1999 in its current form, aims to restore visibility to natural conditions in 156 national parks and wilderness areas by 2064. Under the Obama administration, the agency regularly used the program to impose stricter controls on older coal-fired plants.

Under Pruitt, who previously waged an unsuccessful three-year court battle against a federal haze plan for Oklahoma as the state's attorney general, EPA has so far taken a less aggressive posture.

Legal challenges to the Arkansas plan brought by the state, power producers and environmental groups have been on hold since March after EPA said it was seeking a settlement.

Last month, the two environmental groups, the National Parks Conservation Association and the Sierra Club, asked the 8th U.S. Circuit Court of Appeals to restart proceedings, arguing that there had not been "a good faith effort to resolve the issues in dispute" (*Greenwire*, June 12).

EPA, the state and Entergy have all lined up against that bid. As of this morning, the court had not ruled.

In issuing the plan last year, EPA projected that it would eventually cut yearly releases of NOx and sulfur dioxide by 15,100 tons and 68,500 tons, respectively, and improve visibility in Caney Creek Wilderness and the Upper Buffalo Wilderness, both of which are in Arkansas, as well as the Hercules Glades Wilderness and the Mingo National Wildlife Refuge in Missouri.

Entergy, however, contends that compliance with its share of the new regulations will cost more than \$2 billion; in a filing earlier this year, Arkansas Attorney General Leslie Rutledge (R) said the plan could jeopardize the reliability of the state's power supply (*Greenwire*, Feb. 28).

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